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Attorneys for Plaintiff  
Costco Wholesale Corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

*In re Cathode Ray Tube (CRT) Antitrust  
Litigation*

Master File No. 3:07-cv-05944-SC  
MDL No. 1917

This document relates to:

*Costco Wholesale Corporation v. Technicolor  
SA, et al.*, No. 13-cv-05723-SC

**DECLARATION OF ERIC J. WEISS  
IN SUPPORT OF COSTCO  
WHOLESALE CORPORATION'S  
ADMINISTRATIVE MOTION TO  
SEAL PORTIONS OF COMPLAINT  
PURSUANT TO CIVIL LOCAL  
RULES 7-11 AND 79-5(d)**

1 I, Eric J. Weiss, declare as follows:

2 1. I am an attorney with Perkins Coie LLP, counsel for Plaintiff Costco Wholesale  
3 Corporation (“Costco”). I am admitted to practice law in the states of Wisconsin, Illinois, and  
4 Washington and am admitted to appear *pro hac vice* in this action pursuant to Pretrial Order No.  
5 1, Dkt. 230 (Apr. 4, 2008). I am over the age of 18 and competent to testify to the matters in this  
6 Declaration, which is based on my personal knowledge.

7 2. I submit this Declaration in support of Costco’s administrative motion to maintain  
8 under seal the highlighted portions of the following document pursuant to Local Rules 7-11 and  
9 79-5(d):

- 10 • Costco’s Complaint against Technicolor SA (f/k/a Thomson SA); Technicolor  
11 USA, Inc. (f/k/a Thomson Consumer Electronics, Inc.); Videocon Industries Ltd.;  
12 Technologies Displays Americas LLC (f/k/a Thomson Displays Americas LLC);  
13 Mitsubishi Electric Corporation; Mitsubishi Electric Visual Solutions America,  
Inc.; and Mitsubishi Electric & Electronics USA, Inc. (originally filed W.D. Wash,  
Nov. 12, 2013)

14 3. Portions of Costco’s Complaint contain excerpts from and/or statements derived  
15 from documents and testimony which have been designated “confidential” or “highly  
16 confidential” pursuant to the Stipulated Protective Order governing this litigation [Dkt. 306, June  
17 18, 2008] (“Stipulated Protective Order”). The confidential/highly confidential designations were  
18 made by certain Defendants in this litigation. To qualify as confidential or highly confidential  
19 under the Stipulated Protective Order, information must contain trade secrets or other confidential  
20 research, development or commercial information, or private or competitively sensitive  
21 information. Stipulated Protective Order at ¶ 1. The Order further provides that any party  
22 seeking to file any confidential material under seal must comply with Civil Local Rule 79-5.  
23 Stipulated Protective Order at ¶¶ 1, 10.

24 5. The highlighted portions of Costco’s Complaint contain such material. Costco  
25 filed its Complaint in the United States District Court for the Western District of Washington  
26 prior to transfer to this MDL, redacting those portions that quote or reference material certain of  
27 the defendants previously designated as confidential or highly confidential. Pursuant to Local  
28

1 Rule 79-5, Costco seeks to maintain this material under seal in good faith in order to comply with  
2 the Stipulated Protective Order and the applicable Local Rules.

3 6. The Court has recently granted motions to seal similar provisions in other DAP  
4 complaints in the MDL. *See, e.g., Alfred H. Siegel, as Trustee of the Circuit City Stores, Inc.*  
5 *Liquidating Trust v. Technicolor SA et al.*, No. 13-cv-05261-SC (Dkt. No. 5); *Best Buy Co., Inc.*  
6 *et al. v. Technicolor SA et al.*, No. 13-cv-05264-SC (Dkt. No. 9); *Electrograph Systems, Inc., et*  
7 *al. v. Technicolor SA, et al.*, No. 3:07-cv-05944-SC (Dkt. No. 2310); *Interbond Corporation of*  
8 *America v. Technicolor SA, et al.*, No. 3:07-cv-05944-SC (Dkt. No. 2310); *Office Depot, Inc. v.*  
9 *Technicolor SA, et al.*, No. 3:07-cv-05944-SC (Dkt. No. 2310); *P.C. Richard & Son Long Island*  
10 *Corporation, et al. v. Technicolor SA, No. 3:07-cv-05944-SC (Dkt. No. 2310); Schultze Agency*  
11 *Services, LLC v. Technicolor SA, et al.*, No. 13-cv-05668-SC, 3:07-cv-05944-SC (Dkt. No.  
12 2310); *Sears, Roebuck and Co. & Kmart Corp. v. Technicolor SA et al.*, No. 13-cv-05262 (Dkt.  
13 No. 9); *Target Corp. v. Technicolor SA et al.*, No. 13-cv-05686 (Dkt. No. 4).

14  
15 I declare under penalty of perjury that the foregoing is true and correct to the best of my  
16 knowledge.

17  
18 Executed this 13th day of January, 2014, at Seattle, Washington.

19  
20 By: /s/ Eric J. Weiss  
Eric J. Weiss

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